

**ASSEMBLY, No. 1030**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman JAMES J. KENNEDY**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Pinkin**

**SYNOPSIS**

Requires community associations to allow installation of electric vehicle charging stations.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 5/8/2018)**

1 AN ACT requiring community associations to allow the installation  
2 of electric vehicle charging stations and supplementing P.L.1993,  
3 c.30 (C.45:22A-43 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. a. (1) An association formed for the management of common  
9 elements and facilities of a planned real estate development,  
10 regardless of whether organized pursuant to section 1 of P.L.1993,  
11 c.30 (C.45:22A-43), shall not adopt or enforce a restriction,  
12 covenant, bylaw, rule, regulation, master deed provision, or  
13 provision of a governing document prohibiting or unreasonably  
14 restricting the installation or use of an electric vehicle charging  
15 station in a designated parking space.

16 (2) Any covenant, restriction, or condition contained in any  
17 deed, contract, security instrument, or other instrument affecting the  
18 transfer or sale of any interest in a planned real estate development,  
19 and any provision of a master deed, bylaw, or other governing  
20 document that either prohibits or unreasonably restricts the  
21 installation or use of an electric vehicle charging station in a  
22 designated parking space, or is in conflict with the provisions of  
23 this section, is void and unenforceable.

24 (3) Notwithstanding any provisions of an association's  
25 governing documents concerning the grant of exclusive or limited  
26 use of any portion of a common element to a unit owner, the  
27 executive board of an association may grant exclusive or limited  
28 use of any portion of a common element to a unit owner:

29 (a) to install and use an electric vehicle charging station in a  
30 unit owner's designated parking space that meets the requirements  
31 of this section, where the installation or use of the charging station  
32 requires reasonable access through, or across, the common elements  
33 for utility lines or meters; or

34 (b) to install and use an electric vehicle charging station through  
35 a license granted by an association pursuant to subsection e. of this  
36 section.

37 (4) Nothing in this section shall be construed to prohibit an  
38 association from imposing reasonable restrictions on electric  
39 vehicle charging stations.

40 b. An electric vehicle charging station shall meet applicable  
41 health and safety standards and requirements imposed by State and  
42 local authorities as well as all other applicable zoning, land use or  
43 other ordinances, or land use permits.

44 c. If association approval is required for the installation or use  
45 of an electric vehicle charging station, the application for approval  
46 shall be processed and approved by the association in the same  
47 manner as an application for approval of an architectural  
48 modification to the property, and shall not be willfully avoided or

1 delayed. The approval or denial of an application shall be in  
2 writing. If an application is not denied in writing within 60 days  
3 from the date of receipt of the application, the application shall be  
4 deemed approved, unless that delay is the result of a reasonable  
5 request for additional information.

6 d. If the electric vehicle charging station is to be placed in a  
7 common element, or a limited common element in which more than  
8 one but less than all unit owners may park, the following provisions  
9 shall apply:

10 (1) the unit owner shall first obtain approval from the  
11 association to install the electric vehicle charging station and the  
12 association shall approve the installation if the unit owner agrees in  
13 writing to:

14 (a) comply with the association's architectural standards for the  
15 installation of the electric vehicle charging station,

16 (b) engage a licensed contractor to install the electric vehicle  
17 charging station,

18 (c) within 14 days of approval, provide a certificate of insurance  
19 that names the association as an additional insured under the unit  
20 owner's insurance policy in the amount set forth in paragraph (4) of  
21 this subsection, and

22 (d) pay for the electricity usage associated with the electric  
23 vehicle charging station;

24 (2) unless any of the following responsibilities are waived, in  
25 whole or in part, under the bylaws of the association, the unit owner  
26 and each successive unit owner of the electric vehicle charging  
27 station shall be responsible for the cost of:

28 (a) any damage to the electric vehicle charging station, common  
29 area, exclusive use common area, or separate interests resulting  
30 from the installation, maintenance, repair, removal, or replacement  
31 of the charging station,

32 (b) any maintenance, repair, and replacement of the electric  
33 vehicle charging station until it has been removed and for the  
34 restoration of the common area after removal, and

35 (c) the electricity usage associated with the electric vehicle  
36 charging station;

37 (3) the unit owner and each successive unit owner of the electric  
38 vehicle charging station shall be responsible for disclosing to  
39 prospective buyers the existence of the unit owner's electric vehicle  
40 charging station and the related responsibilities of the unit owner  
41 under this subsection;

42 (4) the unit owner and each successive unit owner of the electric  
43 vehicle charging station shall, at all times, maintain a homeowner  
44 liability coverage policy in the amount of \$1,000,000 and shall  
45 name the association as a named additional insured under the policy  
46 with a right to notice of cancellation; and

47 (5) the unit owner shall not be required to maintain a  
48 homeowner liability coverage policy for an existing National

- 1 Electrical Manufacturers Association standard alternating current  
2 power plug.
- 3 e. Except as provided in subsection f. of this section,  
4 installation of an electric vehicle charging station for the exclusive  
5 use of a unit owner in a common element, that is not a limited  
6 common element, shall be authorized by an association only if  
7 installation in the unit owner's designated parking space is  
8 impossible or unreasonably expensive. In such cases, the  
9 association shall enter into a license agreement with the unit owner  
10 for the use of the space in a common element, and the unit owner  
11 shall comply with all of the requirements in subsection d. of this  
12 section.
- 13 f. An association may install an electric vehicle charging  
14 station in a common element for the use of all members of the  
15 association and, in that case, the association shall develop  
16 appropriate terms of use for the charging station.
- 17 g. An association may create a new parking space where one  
18 did not previously exist to facilitate the installation of an electric  
19 vehicle charging station.
- 20 h. An association that willfully violates this section shall be  
21 liable to the unit owner or other party seeking authorization to  
22 install or use an electric vehicle charging station for any actual  
23 damages, and shall pay a civil penalty to the unit owner or other  
24 party in an amount not to exceed \$1,000.
- 25 i. In any action to enforce compliance with this section, a  
26 prevailing unit owner or other party seeking authorization to install  
27 or use an electric vehicle charging station shall be awarded  
28 reasonable attorney's fees.
- 29 j. The Commissioner of Community Affairs shall enforce the  
30 provisions of this bill in accordance with the authority granted  
31 under section 18 of P.L.1977, c.419 (C.45:22A-38).
- 32 k. As used in this section:
- 33 "Designated parking space" means a parking space that is  
34 specifically designated for use by a particular unit owner, including,  
35 but not limited to, a garage, a deeded parking space, and a parking  
36 space in a limited common element that is restricted for use by one  
37 or more unit owners;
- 38 "Electric vehicle charging station" means a station that is  
39 designed in compliance with the State Uniform Construction Code,  
40 adopted pursuant to P.L.1975, c.217 (C.52:27D-119 et seq.), and  
41 which delivers electricity from a source outside an electric vehicle  
42 into one or more electric vehicles. An electric vehicle charging  
43 station may include several charge points simultaneously  
44 connecting several electric vehicles to the station and any related  
45 equipment needed to facilitate charging plug-in electric vehicles;  
46 and

1       “Reasonable restriction” means a restriction that does not  
2 significantly increase the cost of an electric vehicle charging station  
3 or significantly decrease its efficiency or specified performance.

4  
5       2. This act shall take effect immediately.

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8                               STATEMENT

9  
10       This bill would promote, encourage, and remove obstacles to the  
11 use of electric vehicle (EV) charging stations by prohibiting  
12 common interest communities, such as condominiums and  
13 homeowners’ associations, from adopting or enforcing any rule that  
14 prohibits the installation or use of an EV charging station in a unit  
15 owner’s designated parking space. Further, under the bill, any  
16 restriction in a deed or other instrument affecting the transfer or sale  
17 of an interest in a common interest community, and any provision  
18 of a governing document that prohibits or unreasonably restricts the  
19 installation or use of an EV charging station in an owner’s  
20 designated parking space, would be void and unenforceable.

21       The bill would, however, allow common interest communities to  
22 impose “reasonable restrictions” on EV charging stations, meaning  
23 restrictions that do not significantly increase the cost of the EV  
24 charging station or significantly decrease its efficiency or specified  
25 performance. The bill would allow an association charged with  
26 managing the common elements of a common interest community  
27 to approve a proposed EV charging station in the same manner as it  
28 approves an architectural modification. The bill protects against  
29 avoidance or delay of an application for an EV charging station by  
30 providing that if an application is not denied in writing within 60  
31 days from the date of receipt of the application, the application is  
32 deemed approved, unless the delay is due to a reasonable request  
33 for additional information.

34       The bill would also authorize the executive board of a common  
35 interest community to grant exclusive or limited use of a portion of  
36 a common element to an individual unit owner, despite the  
37 existence of any contrary provisions in the association’s governing  
38 documents, to allow the owner to: install and use an EV charging  
39 station in the owner’s designated parking space, if the installation or  
40 use of the charging station requires reasonable access through, or  
41 across, the common elements for utility lines or meters; or install  
42 and use an EV charging station through a license granted by the  
43 association. Under the bill, if it is impossible or unreasonably  
44 expensive to install an EV charging station in an owner’s  
45 designated parking space, an association may allow the owner to  
46 install an EV charging station for the exclusive use of the owner in  
47 a common element by entering into a license agreement with the  
48 owner.

1       The bill sets forth various requirements that apply if an EV  
2       charging station is being placed in a common element or a limited  
3       common element of a common interest community. Among these  
4       requirements, an owner seeking approval from an association to  
5       install an EV charging station must:

- 6       comply with the association's architectural standards for the
- 7       installation of the charging station,
- 8       engage a licensed contractor to install the charging station,
- 9       name the association as an additional insured under the owner's
- 10      insurance policy, and
- 11      agree to pay for the electricity usage associated with the charging
- 12      station.

13      The bill also allows an association to install an EV charging  
14      station in a common element for the use of all members of the  
15      association, and develop appropriate terms of use for the charging  
16      station.

17      Finally, the bill provides that an association that willfully  
18      violates the bill's provisions would be liable to the unit owner or  
19      other party seeking authorization to install or use an EV charging  
20      station for actual damages, and be required to pay a civil penalty to  
21      the unit owner or other party in an amount not to exceed \$1,000. In  
22      any action to enforce compliance with this bill, the prevailing unit  
23      owner or other party seeking authorization to install or use an EV  
24      charging station would be awarded reasonable attorney's fees.